

BOROUGH OF HOMER CITY

Indiana County, Pennsylvania

ZONING ORDINANCE

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Part 1

Title, General Intent, Establishment of Controls

§101. Title, General Intent, Establishment of Controls.

1. Long Title. A Chapter to establish zoning regulations for the use of land and structures, area of lots, bulk of buildings and other structures, the density of populations, the provision of off-street parking and loading spaces and similar accessory regulations for Homer City Borough, Indiana County, Pennsylvania, and for such purposes to divide the Borough into zoning districts; and, further, to provide for administrative enforcement and amendment thereof, in accordance with the provisions of Act No. 247, Pennsylvania Municipalities Planning Code, as amended, and to repeal all ordinances in conflict herewith.

2. Short Title. This Chapter shall be known and may be cited as the "Zoning Ordinance of Homer City Borough, Indiana County, Pennsylvania."

3. Zoning Purposes. The provisions of this Chapter are designed to promote, protect and facilitate one (1) or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of populations, civil defense, disaster evacuation, airports and national defense facilities, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as to prevent one (1) or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

4. Community Development Objectives. This Chapter is adopted to promote an orderly plan of development according to the Homer City Borough Comprehensive Plan. Said comprehensive plan establishes policy in regard to land use, density of population, location and function of streets and other community facilities and utilities, among others. As such, when necessary, the material contained therein shall be utilized to establish policy in the interpretation of this Chapter.

5. Interpretation of Zoning Standards. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements of the promotion of the public health, safety and welfare of the Borough.

6. Establishment of Controls.

A. Minimum and Uniform Regulations. The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

B. For New Uses and Structures. In all districts, after the effective date of this Chapter, any new building or other structure on

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any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

C. For Existing Uses and Structures.

(1) In all districts, after the effective date of this Chapter, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located, shall be deemed as nonconforming and subject to the regulation of this Chapter.

(2) All existing uses that are in conformance after the effective date of this Chapter are subject to the requirements of this Chapter.

D. Type of Control. The following minimum and uniform regulations shall apply in the respective districts: use regulations, including uses by right, conditional uses and uses by special exception; area and bulk regulations, including required front, side and rear yards; maximum permitted height and allowable lot coverage, and floor area ratio requirements in those districts in which they apply; off-street parking and loading regulations; sign regulation; and special regulations dealing with open space, landscaping, storage, access and traffic control and lighting.

7. Establishment of Districts; Types of Districts. For the purpose of this Chapter, Homer City Borough in entirety is hereby divided into the following districts:

A. Floodplain District.

(1) FP Floodplain District.

B. Residential Districts.

(1) R-1 Low Density Residential District.

(2) R-2 Medium Density Residential District.

(3) R-P Planned Residential Development District.

C. Commercial Districts.

(1) C-1 General Commercial District.

D. Industrial District.

(1) I Light Industrial District.

E. Lot Sizes. Any lot, as well as the open spaces reserved on it, must equal or exceed the minimum sizes prescribed by this Chapter for the district in which the lot is located.

8. The Zoning Map.

A. Title. The map showing the division of the Borough into the designated zoning districts shall be known as the Homer City Borough Zoning Map. Said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this Chapter as if all were fully described herein.

B. Adoption of Zoning Map. The Homer City Borough Zoning Map shall be kept on file with the Borough Secretary. If, and whenever, changes are made in boundaries or other matter included on said zoning map, such changes in the zoning map shall be made within thirty (30) days after any such amendment has been adopted by the Borough Council.

C. District Boundary Lines. The district boundary lines shall be as shown on the zoning map. District boundary lines are intended to coincide with lot lines, centerlines of streets, the limits of the Borough or as dimensioned on the map. In case of doubt or disagreement concerning the exact location of the boundary line, the determination of the Zoning Hearing Board, as provided in Part 8, shall prevail.

D. Title Boundary Tolerances. Where a district boundary line divides a lot held in single and separate ownership at the effective date of this Chapter, the use regulations applicable to the more restrictive district shall apply. The most restrictive district shall be the FP District, followed in descending order by R-1, R-2, C-1, C-2, I-1.

9. Annexed Land or Land Otherwise Acquired. All land annexed to the Borough after the effective date of this Chapter shall be automatically classified as an R-1 Low Density Residential District, and shall remain so classified until a zoning plan for the annexed area has been adopted by the Borough Council. The Planning Commission shall recommend to the Borough Council appropriate zoning for the annexed area within ninety (90) days of the effective date of such annexation or acquisition.

10. Separability. Should any Section or provision of this Chapter be declared by the courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Chapter as a whole or the validity of any other Section or provision of the Chapter than the one (1) so declared.

(Ord. 445, 12/8/1997, §101)

§102. Definitions, Interpretations or Regulations.

1. Language Interpretations. For the purpose of this Chapter, certain words shall have the meaning assigned to them as follows:

A. Words used in the present tense include the future. The singular number includes the plural and the plural the singular.

B. The word "building" includes "structure" and any part thereof.

C. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."

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D. The word "person" includes an individual, corporation, partnership, incorporated association or any other entity of any kind and nature whatsoever.

E. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character.

F. Words in the masculine gender shall include the feminine and the neuter gender.

G. The word "shall" is mandatory; the word "may" is permissive.

H. Words not defined in subsection (2) shall have the meaning given in Webster's New International Dictionary, unabridged, current edition.

2. General Standards. In addition to the specific standards and criteria listed for each use below, all applications for conditional uses and uses by special exception listed in each zoning district shall demonstrate compliance with all of the following general standards and criteria:

A. The use shall not endanger the public health, safety or welfare, nor deteriorate the environment, if it is located on the property where it is proposed.

B. The use shall comply with the performance standards of §604 of this Chapter.

C. The use shall comply with all applicable requirements of governing parking and loading, governing signs, screening and landscaping, §605 and storage.

D. Ingress, egress and traffic circulation on the property shall be designed to ensure safety and access by emergency vehicles and to minimize congestion and the impact on local streets.

E. Outdoor lighting, if proposed, shall be shielded and deflected away from residential properties and public streets.

F. For all uses which are subject to the requirements of the Americans with Disabilities (ADA) Act, the applicant shall certify that all applicable ADA requirements have been met in the design.

3. Standards for Specific Uses. In addition to the general standards and criteria for all conditional uses and uses by special exception listed above, an application for any of the following uses which are listed in any zoning district as conditional use or use by special exception shall comply with the applicable standards and criteria specified below for that use:

A. Bed and Breakfast Host Homes, subject to the following express standards and criteria:

(1) All applicable lot area, lot width, yard and building coverage requirements for single-family dwellings in this district shall be met.

(2) The site proposed for a bed and breakfast host home shall be frontage on and direct vehicular access to an arterial or collector road as defined by this Chapter.

(3) No bed and breakfast host home shall be established within two thousand (2,000) feet of another bed and breakfast host home.

(4) No more than three bedrooms shall be available for rental to guests.

(5) Off-street parking shall be provided in accordance with the requirements of this Chapter.

(6) No exterior signs are permitted other than for the identification of the house name or the owner's name and are subject to the sign requirements of this Chapter.

4. Definitions. The following words and phrases shall have the meaning given in this Section, as follows:

ACCESSIBILITY RAMP - an inclined passageway between different levels for persons with disabilities. To be ADA compliant, a ramp must have no greater slope than one to twelve (1:12).

ACCESSORY BUILDING - a subordinate building, the use of which is customarily incidental to that of the principal building and is used for an accessory use, located on the same lot.

ACCESSORY USE - a use conducted on the same lot as a principal use to which it is related; a use which is clearly incidental to and customarily found to be subordinate to a particular principal use.

ADVERTISING SIGN - see "sign" and "billboard."

ALLEY - see "street."

ALTERATIONS, MINOR - minor alterations of property to include general maintenance or upkeep. This includes, but is not limited to painting, roofing (three hundred (300) square feet or less), siding (four hundred (400) square feet or less), replacing windows and doors up to two thousand five hundred dollars (\$2500.00), insulating, routine plumbing, heating and electrical work and does not require a building permit. Bona fide invoices may be required by the Code Enforcement Officer as proof of alterations less than two thousand five hundred dollars (\$2,500.00).

ALTERATIONS, STRUCTURAL - any change or rearrangement in the exterior structural configuration or enlargement, whether by extending

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on a side or by increasing in height. Example: whole house roofing or siding are viewed as major alterations.

APARTMENT - see "dwelling, multiple."

APARTMENT HOTEL - a building consisting of guest rooms, suites of rooms or dwelling units which are occupied more or less permanently, wherein the occupants are furnished so called hotel services, including dining room and maid service.

APPLICATION FOR DEVELOPMENT - every application, whether preliminary, tentative or final required to be filed and approved prior to start of construction of development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

AREA OF BUILDING - see "lot coverage."

AUTOMOBILE BODY SHOP - any fully enclosed structure that is used for the repair or painting of bodies and fenders of motor vehicles.

AUTOMOBILE LAUNDRY or CAR WASHING FACILITY - a structure used for the purpose of cleaning or reconditioning the exterior and interior surfaces of automotive vehicles, but not including an incidental one bay washing facility in a gasoline service station, where washing facilities are purely incidental to the operation of said service station. A self-operated vehicular laundry and facility not requiring attendance or employees, regardless of capacity, is also considered to be an automobile laundry.

BASEMENT (or CELLAR) - an enclosed area partly or completely below grade. It shall be considered a building story if more than one-third (1/3) of the perimeter walls are five (5) feet or more above the average exterior grades.

BED AND BREAKFAST - a tourist home which may or may not be the principal residence of the operator where sleeping rooms are offered to transient overnight guests for compensation and where the only meal included with the overnight accommodations is breakfast. See subsection(3)(A) for specific standards.

BILLBOARD - a sign other than one (1) indicating a business conducted on the premises, a sign upon which advertising matter of any character is printed, posted or lettered. It may be either freestanding or attached to a surface of a building or other structure.

BOARD - any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications.

BOCA APPEALS BOARD - a five (5) member board convened to hear appeals of the Code Enforcement Officer's decisions. It shall consist of five (5) members appointed by Borough Council.

BOROUGH COUNCIL - all references to the Borough Council are to be the Homer City Borough Council.

BUFFER AREA - a strip of land which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no structure or building is permitted except a wall or fence.

BUILDING - a structure or appendage to a structure which: is permanently affixed to the land; has one (1) or more floors or stories; and, is bounded by either lot lines or yards. A building shall not include such structures as billboards, fences, travel trailers of any kind or structures with interior surfaces not normally accessible to human use, such as gas tanks, grain elevators, coal bunkers or similar structures. A building may accommodate more than (1) family and have more than (1) dwelling unit and may be used for residential, commercial, public or industrial purposes.

BUILDING HEIGHT - see "height of building."

BUILDING SETBACK LINE - an established line within a property defining the minimum required distance between the face of any structure to be erected and an adjacent right-of-way or street line. This face as measured to the major portion of the structure includes sun parlors, foyers, bay windows, porches, projecting eaves, dormers, gutters, cantilevered joists and is contiguous with the front yard lines. However, if an existing building line has been previously established, the building setback line shall be based upon an overall depth as determined from existing structures located on lots or parcels to either side of the proposed building.

BUILDING SITE or LOT - a single parcel of land under one (1) ownership, occupied or intended to be occupied by a single principal building or single principal structure; a "building site" shall be synonymous with a "lot" or "parcel" of land.

BULK - the volume of building or structure indicating the total space enclosed by the exterior walls and roof. The term is used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and to lot lines and includes: the size, height and floor area of a building or other structure; and, all open areas in yard space relating to buildings and other structures.

BUSINESS - includes the maintenance and operation of a private school, beauty parlor, private sanitorium, health institute clinic or hospital, nursing home, lodging house, boarding house, professional office or any use constituting a commercial enterprise.

CARPORT - a partially enclosed accessory structure used for the purpose of parking an automobile. Such structure may be freestanding, but is normally attached to the primary structure on at least one (1) side.

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CARWASH - a structure used for the purposes of cleaning or reconditioning the exterior and interior surfaces of automotive vehicles, but not including an incidental one bay washing facility in a gasoline service station, where washing facilities are purely incidental to the operation of said service station; a self-operated car wash and facility not requiring attendance or employee, regardless of capacity. Any car wash located in the Borough shall require appropriate paved, off-street parking spaces with a capacity sufficient to handle an equivalent number of vehicles equipment to the forty-five (45) minute capacity of the maximum hourly operation of the car washing facility.

CELLAR - see "basement."

CENTERLINE OF STREET - see "street centerline."

COMMON OPEN SPACE - a parcel or parcels on land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including street, off-street parking areas and areas set aside for public facilities.

COMMUNICATIONS RECEIVING DEVICE - ham radio operations.

CONDITIONAL USE - a use permitted in a particular zoning district by the Borough Council pursuant to the provisions of this Chapter and Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601 et seq.

CONDOMINIUM APARTMENT - a multiple dwelling where each dwelling unit in the structure is individually owned, and the owner of each unit has an undivided interest in the common areas and facilities of the structure and surrounding grounds.

CONTINUATION - the permissible uninterrupted prolongation of legal use which is rendered nonconforming by this Chapter provided that it remains otherwise lawful.

CONVENIENCE STORE - a retail establishment which does not exceed five thousand (5,000) square feet in gross floor area and which offers a limited selection of grocery, household and personal items for quick purchase, and which may include the dispensing of gasoline.

CORNER LOT - a lot bounded on at least two (2) sides by streets. The owner or developer of a corner lot may specify which street line shall be the front lot line, unless front lines are established for abutting properties. On through lots, the front lot line shall be located on the side having principal access. The required setback on all side bounded by a street shall equal the building setback line of the district in which the corner lot is situated.

COVERAGE - see "lot coverage."

DECK - a platform or floor raised above the ground and supported by posts or attached to the existing structure through the use of a

ledge or a beam bolted to a wall. The platform is usually a frame with a wood surface.

DECISION - final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Borough lies.

DEMOLITION - destruction of a structure or moving a structure off the property.

DETACHED HOUSE - a "detached house" is a single-family dwelling on a lot which has yard area on all four (4) sides.

DETERMINATION - final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

(1) The Borough Council.

(2) The Zoning Hearing Board.

(3) The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPER - any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT PLAN - the provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of development plan" when used in this Chapter shall mean the written and graphic materials referred to in this definition.

DOG KENNEL - the keeping of three (3) or more dogs that are more than six (6) months old.

DRIVEWAY - a private strip of land, generally graded, intended for use as a means of vehicular or pedestrian access to an individual lot and/or providing access between street and a parking area or garage within a lot or property. Construction of which must follow the current PennDOT regulations for driveways.

DWELLING - any building which is designed for or occupied in whole or in part as the home, residence or sleeping place of one (1) or more

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persons, either permanently or temporarily, but shall not include a basement or foundation. A dwelling may be any one (1) of the following:

A. SINGLE-FAMILY - a building designed for and occupied exclusively as a residence for one (1) family.

B. DUPLEX - a building designed and occupied exclusively as a residence for two (2) families, with one (1) family living wholly or partly over the other, each having a separate entrance.

C. DOUBLE - a building designed and occupied exclusively as a residence for two (2) families in such a manner that each unit is surrounded on three (3) sides by yard area and so constructed that one (1) wall is on the side lot line and abuts the neighboring dwelling unit.

D. MULTIPLE - a building used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, flats and group houses, but not as a residence for transients.

E. GROUP HOME - a dwelling unit where room and board is provided to permanent residents who are mentally or physically handicapped persons of any age, excluding any adult or juvenile assigned by order of juvenile or criminal court, who are in need of supervision and specialized services, including staff who may or may not reside in the dwelling who provide health, social and/or rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents or any licensed or certified nonprofit social services corporation and the facility shall meet all minimum requirements of the sponsoring agency. A group home, as defined herein, shall only be permitted in an R-2 District.

DWELLING UNIT - one (1) or more rooms for living purposes together with separate cooking and sanitary facilities which is accessible from the outdoors either directly or through an entrance hall, shared with other dwelling units, and is used or intended to be used, by one (1) or more persons living together and maintaining a common household.

DWELLING UNIT DENSITY - the maximum number of dwelling units permitted per acre or per lot.

ENLARGEMENT - an addition to the floor area of an existing building, an increase in size of another structure, or an increase in that portion of a tract of land occupied by an existing use.

ESSENTIAL SERVICES - the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, or underground or overhead gas, electrical, steam or water transmission or distribution systems, collections, communication, supply or disposal systems.

FAMILY - one (1) or more individuals customarily and permanently living together as a single housekeeping unit and using certain rooms and housekeeping facilities in common but not more than four (4) persons unrelated by blood, marriage or family relationship.

FENCE - a barrier constructed of materials other than shrubbery and erected for the purpose of protection, confinement, enclosure or privacy.

FLOOR AREA - the sum of the gross habitable area of the floors of a building measured from the face of the interior walls.

FRONT YARD - see "yard, front."

FRONT YARD LINE - see "yard line, front."

GARDEN APARTMENT - a garden type apartment is one (1) which is generally located in a structure containing not less than three (3) apartments and up to eighteen (18) apartments designed for rental of the individual apartment units; usually not exceeding three (3) stories in height; sometimes designed around courts or common green spaces; often having private balconies or patios; and, frequently exhibiting different facades and design features between structures in a garden apartment complex.

GARAGE - a building or structure in which one (1) or more motor vehicles are stored, but not for the repairs or maintenance thereof. A garage may take any one of the following forms and conform with all other applicable Borough ordinances:

(1) COMMUNITY - a single building or group of minor garages, one (1) story in height, arranged in a row or surrounding a common means of access for the use of adjacent property owners or residents of multiple dwellings.

(2) PRIVATE - an accessory structure which is either a one (1) story building or an integral part of a dwelling which is used for the storage of one (1) or more motor vehicles owned and used by the owner or tenants of the lot on which it is erected.

(3) PUBLIC - a building or part thereof other than a community garage or private garage for the storage of motor vehicles.

(4) DOUBLE - a private garage designed for the storage of two (2) motor vehicles and having one (1) interior party wall separating each car stall. Such interior wall normally rests on the property line when the double garage serves each property.

GASOLINE SERVICE STATION - an area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and hand-washing of motor vehicles, and the sale, installation or minor repair of tires, batteries or other automobile accessories.

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GAZEBO - a small, detached pavilion that may have a raised platform.

GRADE - the mean elevation of the ground adjoining the building on all sides as referenced to the centerline of abutting streets at the midpoint of the street lot lines.

GRADE, FINISHED - the completed surfaces of lawns, walks and roads brought to grades as shown on approved plans or designs related thereto.

HALF STORY - a story with a cubic content of no more than fifty (50) percent of the first story (or ground story) of a building.

HEIGHT OF BUILDING - the vertical distance measured from the average elevation of the proposed finished grades at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs; provided that chimney, spires, towers, mechanical penthouses, tanks and similar projections of the building not intended for human occupancy shall not be included in calculating the height. If there are two (2) or more separate roofs on a single building, the heights of such building shall be calculated from the highest roof.

HEIGHT OF SIGN - the vertical distance measured from ground level to the highest point on the sign or its supporting structure.

HOME OCCUPATIONS - an occupation carried on in a dwelling unit, solely by the dweller therein, as a secondary use, but it shall not include: (1) the employment of more than one (1) assistant; (2) the use of equipment producing noticeable noise, odor or nuisance; (3) the display or storage for sale of goods. Nonilluminating signs or advertisement for the "home occupation" noting the name and nature of the service are permitted, but shall not be larger than two (2) square feet in area.

JUNKYARD - an area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials including, but not limited to, water paper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing salvage sale or other use or disposition of the same. The deposit or storage on a lot on one (1) or more unlicensed or currently uninspected, wrecked or disabled vehicles, or the major part thereof, for ninety (90) days or more shall be deemed to constitute a "junkyard."

LAND DEVELOPMENT - any of the following activities:

(1) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

(a) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively,

or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.

(b) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

(3) Land development does not include development which involves:

(a) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.

(b) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building.

(c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

LOADING SPACE, OFF-STREET - a space, accessible from a street or way, in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials.

LOADING STALL, OFF-STREET - a space, accessible from a street or way, in a building or on a lot, for the temporary use of vehicles, while loading or unloading merchandise or materials.

LOT - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA - the total area within the boundary lines of a single lot.

LOT COVERAGE - a percentage, which when multiplied by the lot area, will determine the maximum permitted building area and includes the aggregate of the maximum horizontal cross section areas of all buildings on a lot, including sun parlors, foyers, porches, breezeways, gutters, awnings, steps, walled patios, garages, carports, etc.

LOT LINE, FRONT - the line contiguous with the street line.

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LOT LINE, REAR - the line generally parallel to the front lot line, which defines the rear of the lot.

LOT LINE, SIDE - any lot line which is not front lot line or a rear lot line.

LOT WIDTH - the horizontal distance between side lot lines measured along the front building setback line.

MEDICAL FACILITIES - a facility for the examination and treatment of ill and afflicted human outpatients; provided, however, that patients are not kept overnight except under emergency conditions and includes doctors and dental offices and clinics.

MIXED USE or OCCUPANCY - the use of one (1) building for two (2) or more purposes.

MOBILE HOME - a transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOTEL/HOTEL - a building, or a group of buildings, having units containing sleeping accommodations which are available for a temporary, rental occupancy by transients and providing sufficient off-street parking facilities adjacent or convenient thereto. A tourist home containing provisions or facilities for accommodation of more than two (2) transient occupants not normally quartered on the premises shall be considered as a motel/hotel facility under the provisions of this Chapter.

MULTIPLE FAMILY DWELLINGS - see "dwelling, multiple."

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the Municipalities Authority Act of 1945.

NONCONFORMING LOT - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

NONCONFORMING SIGN - any lawful sign which does not conform to the applicable sign regulations of the district in which it is located, either on the effective date of this Chapter or as a result of subsequent amendments thereto.

NONCONFORMING STRUCTURE - a structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of the Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - a use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation.

NURSING HOME - an establishment, licensed by the Commonwealth, engaged in providing inpatient nursing and health related personal care, utilizing, in whole or in part, licensed and/or registered nurses, excluding hospital services and excluding day-to-day personal care which is not health care by licensed or registered nurses and only permitted in an R-2 District.

OFFICE BUILDING - a building designed or primarily used for office purposes, no part of which is used for manufacturing or dwelling other than the living quarters for a watchman or custodian.

OPEN SPACE - common greens, parks, other recreation space generally open areas available to the public; or yards or other open areas provided in connection with residential buildings occupied by more than two (2) families per lot which are intended for the sole use of the occupants of such building and their guests. Land covered with impermeable surface, except for recreation courts, such as basketball, is not open space. Land devoted to such uses as agriculture, parks, playgrounds, playing fields and other outdoor recreational uses, as well as all land covered by woods, lakes, ponds, rivers or streams and open lands devoted to public or community uses.

PARKING SPACE - an open or covered area with a dust free, all-weather surface (or space in a private garage or other structure) which shall be at least ten by twenty (10 x 20) feet in size for the storage of one (1) automobile, accessible from a public way and must conform to the setback requirements of the district in which it is situated.

PATIO - an open area surfaced with masonry or pavement and adjoining a house.

PAVED AREA - a percentage, which when multiplied by the lot area, will determine the permitted ground area which may be covered with an impervious material.

PLANNED RESIDENTIAL DEVELOPMENT - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type

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of dwelling or use, density or intensity, lot coverage and required open space, to the regulations established in any one district created, from time to time, under the provisions of this Chapter.

PLANNING COMMISSION - Planning Commission of Homer City Borough.

PORCH - a covered entrance to a building commonly enclosed in part, projecting out from the main wall and having a separate roof.

PRIVATE - any facility or establishment limited to members of an organization or to other persons specifically invited or permitted where no advertisement or inducement has been made to the general public.

PROFESSIONAL OFFICE - a room or rooms used for carrying on professional occupation, including medical doctors, engineers, architects, lawyers, accountants or similar professional services.

PUBLIC - of or pertaining to buildings, structures, uses or activities belonging to or affecting any duly authorized governmental body, available for common or general uses by all.

PUBLIC GROUNDS - includes:

(1) Parks, playgrounds, trails, paths and other recreational areas and other public areas.

(2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

(3) Publicly owned or operated scenic and historic sites.

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

PUBLIC MEETING - a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act, 53 P.S. §271 et seq.

PUBLIC NOTICE - notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

REAR YARD - see "yard, rear."

REAR YARD LINE - see "yard line, rear."

REPORT - any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a

solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report issued, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESTAURANT - any building or use which serves food to the general public and which provides tables, chairs and/or counters for the consumption of food entirely within the walls of such building or use. The word "restaurant" does not include drive-in establishments which permit the consumption of food within motor vehicles.

SATELLITE DISH - a television receiving device.

SCHOOL - any building, group of buildings or grounds, or portions thereof, used for the purposes of educating individuals, meeting the requirements of the Commonwealth of Pennsylvania, but excluding any privately operated school of trades, vocations, avocations or business.

SEMIPRIVATE - churches, Sunday schools, parsonages and other related religious functions; colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

SETBACK - see "building setback line."

SEXUALLY ORIENTED BUSINESS - an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

SHED - a slight structure built for storage.

SIDE YARD - see "yard, side."

SIDE YARD LINE - see "yard line, side."

SIGN - any cloth, card, paper, metal, painted glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes or for information or direction purposes on the ground or on any tree, wall, bush, rock, post, fence, building, trailer, vehicle or structure. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

SITE PLAN - the site plan for the purpose of this Chapter shall be submitted on a surveyed plot diagram which was prepared by a professional engineer, architect or landscape architect, or a licensed surveyor. On this diagram, the plan shall show the proposed building and/or

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structures to be constructed, altered or enlarged; the property upon which the improvements will be made, the owner of the property, the abutting owners and property lines, the exact size, shape and dimensions of the lot to be built upon, all adjacent streets or alleys, proposed parking arrangements, proposed facilities for lighting public and private utilities, existing and proposed landscape elements, existing and proposed access to the property and all customary incidentals such as north arrow, scale and any appropriate notations required to fully explain the plan.

SPECIAL EXCEPTION - a use permitted in a particular zoning district pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601 et seq., §10901 et seq.

STORY (OF A BUILDING) - that portion of a building, other than the basement (as defined), included between the surface of any floor and the surface of the floor next above it, or if there is not floor above it, then the space between the floor and the ceiling next above it.

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

STREET CENTERLINE - a line which is usually at an equal distance from both street lines, or right-of-way lines.

STREET LINE - see "lot line, front."

STRUCTURE - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

TAVERN - a licensed business selling alcoholic beverages for consumption on the premises.

TELEPHONE EXCHANGE BUILDING - a building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone message between subscriptions and other business of the telephone company; but in a residential district not to include public business facilities, storage of materials, truck or repair facilities, or housing of repair crews.

TOWNHOUSE - a development consisting of a series of from three (3) to ten (10) attached dwelling units, separated from one another by continuous vertical walls without openings from basement to roof and having diversified architectural facades or treatment of materials with not more than four (4) of any ten (10) abutting units having the same architectural facades and treatment of materials and with not more than three (3) abutting units having the same front yard setback.

USE - any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or

occupied, or any activity, occupation, business or operation carried on in a building or other structure on a tract of land.

(1) PRIMARY USE - the principal or dominant use.

(2) ACCESSORY USE - a subordinate use customarily incidental to and located upon the same lot occupied by the main use.

VARIANCE - relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

WATER SURVEY - an inventory of the source, quantity, yield and use of groundwater and surface water resources within the Borough.

YARD - an open space at grade between a yard line and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward.

YARD, FRONT - a "front yard" is the yard extending along the full length of the front lot line and being the minimum horizontal distance between the front lot line (or street line) and the front yard line (or the building or any projection thereof, other than steps).

YARD LINE - a "yard line" is a line drawn parallel to the corresponding lot lines at a distance specified for the required depth of yard in each respective case.

YARD LINE, FRONT - a "front yard line" bounds the front yard and is parallel to the front lot line.

YARD LINE, REAR - a "rear yard line" bounds the rear yard and is parallel to the rear lot line.

YARD LINE, SIDE - a "side yard line" bounds the side yard and is parallel to the side lot lines.

YARD, REAR - a "rear yard" is a yard extending the full length of the rear lot line and being the minimum horizontal distance between the rear lot line and the rear yard line (or the rear of the building or any projections, other than steps).

YARD, SIDE - a "side yard" is a yard extending along the side lot line from the required front yard to the required rear yard and being the minimum horizontal distance between the side lot line and the side yard line (or the side of the building or any projections, other than steps). Central air conditioning units for any structure shall be located closer than fifteen (15) feet from any property line.

ZONING HEARING BOARD - the Zoning Hearing Board of Homer City Borough.

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ZONING PERMIT - a permit required from the Zoning Officer to erect, construct, reconstruct or alter a building or land development to ensure conformance with this Chapter.

3. Interpretation of Regulations. The interpretation of the regulations of this Chapter is intended, in addition to the provisions of §§101(5) and 101(6), to be such that whenever these requirements are at variance with any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, as particularly refer to area and bulk regulations and impose higher standards, the most restrictive requirements shall govern.

(Ord. 445, 12/8/1997, §102)

Part 2

Floodplain District

(See also Chapter 8)

§201. Statement of Intent. In addition to the general goals listed in the preamble, the district established in these regulations is intended to achieve the following:

A. To prevent the erection of structures in areas susceptible to flooding.

B. To minimize danger to public health by promoting safe and sanitary drainage.

C. To promote the perpetuation of open space along streams and to preserve access to waterways.

(Ord. 445, 12/8/1997, §201)

§202. FP Floodplain District.

1. Designation of Area. Areas to be regulated by this Section are as indicated on the Zoning District Map of the Borough. The actual dimensions area as indicated on said map.

2. Use Regulations.

A. Uses by Right. In FP districts, land or premises shall be used by right for only one (1) or more of the following: parks, playgrounds, recreational uses or open space.

B. Accessory Uses. Only the following accessory uses shall be permitted: accessory uses customarily incidental to the above uses.

C. Conditional Uses. The following uses will be permitted as a conditional use when authorized by the Planning Commission and Borough Council, after due consideration of their compatibility with the floodplain area: parking areas.

D. Uses by Special Exception. None.

3. General Regulations.

A. Obstructions. The following shall not be placed or caused to be placed along or through any stream, streambed or waterway, or within twenty (20) feet of the edge thereof, within Homer City Borough: fences, any structures or other matter which may impede, retard or change the direction of the flow of water in such stream, that will catch or collect debris carried by such water or that is placed where the natural flow of the stream of flood waters would carry the same

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downstream to the damage or detriment of either public or private property adjacent to said stream or waterway.

B. Fills. Fills along or changes to embankments, dams, channel changes, construction and excavations near all natural streams, water courses and water bodies, shall be in accordance with the standards of §2 of the Pennsylvania Act of June 25, 1913, P.L. 555, as amended by Act of May 6, 1957, No. 137, and Act of September 24, 1956, No. 278.

C. Procedure. Any person who proposes any change or addition to any existing water obstruction or a change in the course, current or cross section of any section of any stream or body of water shall first have obtained written approval from the Water and Power Resources Board as required by the Acts cited in subsection (3)(B), above.

(Ord. 445, 12/8/1997, §302)

Part 3

Residential Districts

§301. Statement of Intent. In addition to the general goals listed in the preamble and general intent, the district established in this Part are intended to achieve the following:

A. To provide sufficient space, appropriately located for residential development to meet the housing needs of the present and expected future population of the Borough within the range of house types and densities anticipated.

B. To assure light, air and privacy, as much as possible, by controlling the spacing and height of buildings and other structures.

C. To protect residential areas against hazards of fire, offensive noises, vibration, smoke, odors, glare or other objectionable influences.

D. To prevent congestion, as far as possible, by regulating the density of population and the bulk of buildings and by providing for sufficient off-street parking.

E. To protect residential neighborhoods, as much as possible, from heavy or through traffic.

F. To make possible provision of those public and private educational, recreational, health and similar facilities serving the needs of nearby residents, which perform most effectively in a residential environment and do not create objectionable influences.

G. To promote the most desirable use of land and direction of building development in accordance with a well considered plan to promote stable residential development, to protect the character of any district and its peculiar suitability for particular uses, to conserve the value of land and buildings and to protect the Borough tax revenues.

(Ord. 445, 12/8/1997, §301)

§302. R-1 Low Density Residential District. In addition to the general goals listed in §§101(3), 101(4) and 301, it is the purpose of this Section to permit continued residential development which is compatible with existing types of housing and lot sizes in the predominantly single-family sections of this Borough. It is further the purpose of this district to encourage additional single-family development in those sections of Homer City where lower densities are desirable.

A. Use Regulations.

(1) Uses by Right. In any R-1 District, land, buildings or premises shall be used by right only for one (1) or more of the following: one-family detached dwelling; two-family detached

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dwelling; Borough recreational facilities and buildings; and essential services.

(2) Conditional Uses. The following conditional uses, all of which are classified as conditional uses, shall be permitted or denied in any R-1 District, after review and approval by the Borough Council. In the evaluation of each such use, the approval as to location, the approval of the site plan, the general and detailed character of the use or development and such other standards as may be required by the Planning Commission or the Borough Council shall be considered before approval:

(a) Churches or similar places of worship and related functions; public or private schools; community center (public, semipublic, or privately maintained); a permitted home occupation.

(b) Professional offices shall be permitted or denied after review and approval by the Borough Planning Commission and after review and approval by the Borough Council.

(3) Accessory Uses. Only the following accessory uses shall be permitted: customary residential accessory uses, accessory buildings, commodity garage (subject to §603 of this Chapter); privately owned swimming pools, provided they are located ten (10) feet from all property lines.

(4) Uses by Special Exception. The following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board subject to Part 9 of this Chapter: essential services as defined in §102.

B. Area and Bulk Regulations. The following minimum regulations shall be observed:

Single-Family Detached, Two-Family, Duplex and SemiDetached Residential Structure.	
Lot size, single-family	6,000 sq. ft. minimum per dwelling unit
Lot size, (two-family, duplex and semidetached)	4,000 sq. ft. minimum per dwelling unit
Lot width	50 ft. minimum (existing lots of record may be developed if not less than 40 ft. in width)
Lot coverage	40% maximum
Building setback line	20 ft. minimum (see definition.)

Side yard (primary and accessory structures)	5 ft. minimum per side, 15 ft. aggregate
Height of principal building	30 ft. or 3 stories maximum
Height of accessory buildings	15 ft. or 1 story maximum depending upon aesthetics of the neighborhood
<p>Satellite Dish Antennas: Only one (1) satellite dish antenna shall be permitted on a residential lot. In all "R" zoning districts, satellite dish antennas shall not be permitted in any front or side yard. On any lot containing a single-family dwelling or two-family dwelling, the maximum diameter of any freestanding satellite dish antenna installed on any lot shall be twelve (12) feet and the maximum height of any such antenna shall be thirteen (13) feet. No part of any freestanding satellite dish antenna shall be located closer than five (5) feet to any property line.</p> <p>The maximum diameter of any satellite dish antenna installed on the roof of any single-family or two-family dwelling shall be two (2) feet. Any satellite dish antenna located on the roof of any garden apartment, midrise apartment or high rise apartment located in any zoning district or on any building located in the C, Commercial District shall have a maximum diameter of twelve (12) feet and a maximum height of fifteen (15) feet above the roof line when positioned vertically. The height above the roof line shall be measured from the highest point of the roof for flat roofs, the deck line for mansard roofs and the mean height between eaves and ridge for gable, hip or gambrel roofs.</p>	
Rear yard	30 ft. minimum (primary structures); 10 ft. minimum (accessory structures)
Public or Semipublic Uses	
Lot size	10,000 sq. ft. minimum
Side yards	10 ft. minimum each
Building setback line	20 ft. minimum (see definition.)
Rear yard	30 ft. minimum
Height of building	35 ft. or 3 stories
<p>On a corner lot, a side yard abutting a street shall be not less in width than the front yard required on the lot.</p>	

C. Off-Street Parking Standards and Requirements. As required by §603 of this Chapter.

(Ord. 445, 12/8/1997, §302)

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§303. R-2 Medium Density Residential District. In addition to the general goals listed in §§101(3), 101(4) and 301, it is the purpose of this Section to permit residential development which provide for higher densities and apartment development while maintaining sufficient open areas so that dwellings may blend with the existing and proposed characteristics of the land. Further, these higher densities will be so delineated as to be located near major thoroughfares.

A. Use Regulations.

(1) Uses by Right. In any R-2 District, land, buildings or premises shall be used by right only for one (1) or more of the following: single-family and two-family dwellings; townhouses; garden apartments; condominium apartments; public garages.

(2) Conditional Uses. The following conditional uses, all of which are classified as conditional uses, shall be permitted or denied in any R-2 District, after review and approval by the Borough Council. In the evaluation of each such use, the approval as to location, the approval of the site plan, the general and detailed character of the use or development and such other standards as may be required by this Planning Commission or the Borough Council, shall be considered before approval:

(a) Churches or similar places of worship and related functions; apartment hotels, public or private schools; community center (public, semipublic or privately maintained); a permitted home occupation.

(b) Professional offices shall be permitted or denied after review and approval by the Borough Manager.

(c) Group homes for protected (age, sex, race, mental or physical handicap) populations as protected by the Federal Fair Housing Act, shall be permitted or denied after review and approval by the Borough Manager. Only one group home in each R-2 District is permitted.

(3) Accessory Uses. Only the following accessory uses shall be permitted: customary medium density residential accessory uses, accessory buildings, private garages; community garages (subject to §603 of this Chapter).

(4) Uses by Special Exception. The following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board subject to Part 9 of this Chapter: essential services.

B. Area and Bulk Regulations. The following regulations shall be observed:

Single-Family Detached, Two-Family, Duplex and Semidetached Residential Structure.
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Lot size, single-family	6,000 sq. ft. minimum per dwelling unit
Lot size, (two-family, duplex and semi-detached)	4,500 sq. ft. minimum per dwelling unit
Lot width	50 ft. minimum (existing lots of record may be developed if not less than 40 ft. in width)
Lot coverage	40% maximum
Building setback line	20 ft. minimum (See definition.)
Side yard (primary and accessory structures)	5 ft. minimum per side, 15 ft. aggregate
Height of principal building	30 ft. or 3 stories maximum
Height of accessory buildings	15 ft. or 1 story maximum
Rear yard	30 ft. minimum
Low Rise Residential Structures (Garden Apartments and Townhouses)	
Lot size	9,600 sq. ft. minimum
Lot width	75 ft. minimum
Building setback line	20 ft. minimum
Side yards	10 ft. minimum total
Rear yard	20 ft. minimum
Lot coverage	35% maximum of total lot area
Building height	35 ft. or 3 stories maximum
Paved area	40% maximum of total lot area
Public and Semi-Public Uses. The area and bulk regulations for permitted public and semipublic uses in the R-2 District shall be the same as in the R-1 District.	

C. Dwelling Unit Density. The following schedule shall be used to determine the minimum lot areas for multifamily structures:

Garden Apartments and Townhouses.	
For each one (1) bedroom unit	1,000 sq. ft.
For each two (2) bedroom unit	1,150 sq. ft.
For each three (3) bedroom unit or more	1,300 sq. ft.

The overall density shall not exceed forty-four (44) dwelling units per net residential acre.

D. General Provision for Garden Apartments and Townhouses.

(1) Garden apartments above the first floor may be provided with balconies with a maximum extension of eight (8) feet from the principal dwelling unit wall; however, no such extensions shall extend into any required side yard.

(2) A multifamily dwelling shall not exceed two (2) dwelling units in depth unless the additional dwelling units abut a court conforming to the following requirements:

(a) No court shall be, between two (2) opposite facing walls thereof, less than sixty (60) feet when the other dimension is ten (10) feet or more.

(b) No court abutting an interior lot side yard shall be less than ten (10) feet in width.

(c) No wing of a multifamily dwelling shall project into a required side yard.

(d) The transverse dimension of a projecting wing shall not be greater than the overall dimension of two (2) dwelling units.

(e) No front entrance shall open on a court that abuts a yard or on a yard, except either the yard or both together total not less than twenty-five (25) feet.

(f) An enclosed court shall be not less than sixty (60) feet in any dimension.

E. Off-Street Parking Standards and Requirements. As required by §603 of this Chapter.

F. Submission of Site Plan. (Shall be prepared by a registered engineer, architect, or landscape architect.) Any development proposal involving a multiple family dwelling in the R-2 District shall be subject to submission and review of a prepared site plan to the Homer City Borough Planning Commission and the Borough Council. A site plan shall indicate the following: an accurate drawing of the property involved; a plan of the proposed building or buildings; topography, proposed ingress, egress, and parking; tentative elevations of the proposed building(s); a description of the structure(s); all grading proposals; a breakdown of dwelling units by bedroom size; required building setbacks and yard areas; recreation areas; and, the owner and developer of the property.

G. Required Open Space or Recreation Areas. Any residential complex containing twenty (20) or more residential units shall provide

a minimum recreation area. The designated area shall be useful, shall not exceed an average of ten (10) percent grade and shall be reasonably useful for recreation and open space purposes.

(Ord. 445, 12/8/1997, §303)

§304. R-P Planned Residential Development Districts.

1. Statement of Intent. It is the purpose of this Section to establish regulations and controls for the use of land and structures, area of lots, bulk of buildings, amount and kind of open space land, the provision of off-street parking and other similar accessory regulations in the planned residential development districts in accordance with the provisions of Pennsylvania Act No. 247, as amended. In order that the purpose of this Chapter be furthered in an era of increasing urbanization and of growing demands for housing of all types and design, the following principles form the basis for this Section:

A. The purpose of the procedures, standards, controls and regulations of this Chapter is to provide a means whereby parcels of land in excess of three (3) acres can be designed and developed without regard to the normal lot size, building bulk and setback requirements of the typical zoning district. However, in this innovative type of development, minimum requirements are established to insure that each living unit has proper light and air, appropriate access to public ways and open space and is properly connected to public utilities.

B. To encourage innovations in residential development which will provide housing of greater variety in type, design and site planning incorporating the conservation of maximum open space ancillary to said dwellings.

C. To encourage a more efficient use of land and public service, and to reflect changes in the technology of land development so that economies secured may benefit the homeowner, the developer and the community.

D. To provide a procedure which can relate the type, design and layout of residential development to the particular site as well as the particular demand for housing existing at the time of development.

E. To insure that the increased flexibility of regulations over land development as authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay, the following review powers are granted to the Planning Commission which acts as the designated planning agency of Homer City Borough:

(1) The Planning Commission shall review all planned residential developments pursuant to the provisions of this Chapter and shall make recommendations to the Borough Council for approval or disapproval, in writing.

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(2) The Planning Commission shall insure that the applicant conforms to all requirements, standards, controls and regulations as are set forth in this Section.

(3) The Planning Commission and the applicant shall comply with all procedures as set forth in §304(2)(E) of this Chapter pertaining to application and hearings on tentative and final approval of a proposed planned residential development by the Borough Council.

F. Establishment of Controls. The regulations set by this Section are minimum regulations within the Planned Residential Districts and shall apply uniformly to each classification or kind of lot and structure within the districts.

G. Other Articles of this Chapter. The Planned Residential Districts do not necessarily correspond in minimum lot size, building area, type of dwelling unit, density, lot coverage or required open space to any other residential district zoning regulations in the Borough.

2. Planned Residential District Regulations.

A. Use Regulations.

(1) Uses by right.

(2) Conditional Uses. In any Planned Residential District, land, buildings or premises shall be used only for one (1) or more of the following, as conditional uses defined in this Chapter: one-family detached dwellings, multiple and row dwellings, apartments, garden apartments and townhouses; churches or similar places of worship, and parish houses; public or private schools conducted primarily to serve the educational needs of the community when not conducted primarily for profit or gain; public parks, playgrounds, municipal recreation areas and open space reservations; private or semiprivate recreation areas when not operated for gain or profit; public buildings; signs when erected and maintained in accordance with provisions in §601; and convenience commercial uses not to exceed five (5) percent of the area.

(3) Accessory Uses. All accessory uses located on the same lot that are customarily incidental to any of the above permitted uses, including a private garage, shall be permitted.

B. Area and Bulk Regulations. The following regulations shall be observed (all of the following must be served by public sewer and water facilities):

(1) The average overall density for all types of combined dwelling units shall not exceed twenty (20) dwelling units per gross acre for the entire planned unit residential area. A minimum five thousand five hundred (5,500) square foot lot area shall be provided for all proposed single-family detached dwelling units.

A minimum one thousand five hundred forty (1,540) square foot lot area shall be provided for all townhouse, row or duplex dwelling units. A minimum of nine hundred (900) square feet of designated lot area shall be provided for each multifamily dwelling unit. A minimum of fifteen (15) percent open space lance (based on gross site) shall be maintained. Building coverage shall not exceed forty (40) percent of the gross site, partial site or lot areas being developed.

(a) Yard Controls. Yard controls shall be flexible for all types of dwelling units proposed, with the following minimum regulations being observed:

1) Single-Family Dwellings. Rear yards shall not be less than twenty (20) feet; side yards shall not be less than eight (8) feet each or a total of sixteen (16) feet per dwelling. Front yards shall not be less than shown for various topographic areas and slope areas:

Average Lot Slope	Minimum Front Yard
0 - 5%	25 feet
5% - 10%	20 feet
10% - 15%	15 feet
15% - 20%	15 feet
Over 20%	10 feet

2) All Dwellings Other Than Single-Family. A total of thirty (30) feet for combined front and rear yards with a minimum front or rear yard of ten (10) feet each; side yards for ends of structures shall not be less than the average height of structure or in no case less than thirty-five (35) feet.

(2) Open Space.

(a) The net difference between designated lots for building or dwelling purposes and net site acreage (gross site area less streets and rights-of-way) shall be proposed for residual open space to be maintained by a homeowners corporation and/or made available for dedication to the Borough. In any case, fifteen (15) percent of the gross site area shall be designated for public and/or private recreation and open space area.

(b) The amount, location and proposed use of all open space land within the site must be clearly shown and in no case shall the amount of open space land be less than four hundred (400) square feet per dwelling unit. Of the gross area of open space land, forty (40) percent must be suitable

for active recreational purposes and access to these open space lands must be convenient to all residents. For purposes of calculation, such areas as parking lots are not considered as open space land. In addition, land lying within ten (10) feet of any townhouse or multifamily dwelling shall not be considered as open space land.

(3) Supplemental Design Standards.

(a) Buildings shall be so designed as to avoid monotonous patterns of construction, or repetitive spaces or modules between buildings.

(b) Streets shall be so designed as to discourage through traffic on the site.

(c) Signs shall be permitted and are limited by §601 of this Chapter.

(d) The Planning Commission may require such additional standards as are applicable to the proposed site and any development thereon such as grading, parking, landscaping, etc.

(4) Buffer Area. If, within the planned residential development area, a proposal is made to construct single-family dwellings adjacent to multiple family dwellings of any type, landscaped buffer zones, with a minimum width of fifty (50) feet shall be provided between such differing types of dwelling units. Said buffers shall be densely landscaped to differentiate between differing housing types.

C. Height Regulations. No building shall be erected to a height in excess of thirty-five (35) feet, except as provided in §602 of this Chapter.

D. Off-Street Parking Regulations.

(1) Standards. As required by §603 of this Chapter.

(2) Requirements. As required by §603 of this Chapter.

E. Procedures.

(1) Introductory. The procedure for the consideration of planned unit residential developments, together with the site improvements relating thereto, shall be in accordance with the provisions of this Section.

(2) Establishment of Ownership of Open Spaces. The applicant must establish and assure the future ownership of the permanent open space land as well as indicating the provisions for the burden of maintenance and control of the open space, if said open space is held in private ownership. In addition, the Borough, at its

discretion, may at any time, and from time to time, accept the dedication of land or any interest therein for public use and maintenance. However, the Borough need not require, as a condition of the approval of the planned residential development, that the land set aside for common open space be dedicated or made available for public use.

(3) Outline of Procedure.

(a) Preapplication conference with the Planning Commission for consideration of basic site information and sketch plans and preparation of application.

(b) Planned residential development application to the Borough Planning Commission; applicant presents preliminary plans and statements of facts and purposes to Planning Commission.

(c) Tentative approval of the planned residential development application by the Borough Planning Commission and presentation to the Borough Council.

(d) Submission to Planning Commission of final planned residential development plans, including site plans showing detailed site improvements, furnishing evidence of the developers financial capacity to carry out the development and other installations connected with the development and the establishment of development phasing.

(e) Final approval by Borough Council of the planned residential development and the signing of subdivision site plan to be recorded.

(f) Conditional use approval takes effect and designated R-P and building permits issued after filing of detailed superstructure plans, if any, with the chief inspector. Detailed superstructure plans shall include preliminary architectural sketches showing site and building sections, typical building elevations and the proposed architectural character of the development.

(4) Applicant. The applicant must be the owner of the site, or if more than one (1) owner, all owners of the site must act jointly.

(5) Preapplication Conferences. Each applicant shall confer with the Borough Planning Commission in connection with the preparation of the planned residential development application and prior to the submission of such application. The purpose of pre-application conferences is to benefit the applicant by providing information and guidance before the applicant shall have entered into binding commitments or incurred any substantial expense in the preparation of plans, surveys and other data.

(6) Application. The planned residential development application shall consist of the following:

(a) Preliminary (or Tentative) Development Plan.

1) An applicant shall make formal application for the approval of a planned development to the Borough Council, a copy of which shall be forwarded to the Borough Planning Commission and the Indiana County Planning Commission within ten (10) days. The Borough Planning Commission shall be the responsible reviewing agency. However, the Borough Council shall make all final decisions regarding approval or disapproval of the preliminary and final development plans. Five (5) copies of all plans must be provided with the application.

2) A preliminary development plan must include both maps and a written statement, and must show enough of the area and surrounding the proposed planned development to demonstrate the relationship of the planned development to adjoining uses, both existing and proposed.

3) The maps which are part of the preliminary development plan must contain the following information for both existing and proposed uses:

a) The existing topographic character of the land at not less than two (2) foot contour intervals.

b) Existing and proposed land uses and the approximate location of buildings and other structures.

c) The character and approximate density of existing and proposed dwellings.

d) The approximate location of major thoroughfares.

e) Public uses, including parks, playgrounds, and other open spaces.

4) The preliminary development plan must include detailed proposals for each of the following items:

a) A map showing street systems, plot lines and plot designs.

b) Areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds,

school sites, public buildings and similar public and semipublic uses.

c) A plot plan with common open space, showing the approximate location of all buildings, structures and improvements and indicating the open spaces around buildings and structures.

d) A typical elevation and perspective drawing of proposed structures and improvements (except single-family residences) and any unusual accessory buildings. The drawings need not be the result of final architectural decisions and need not be in detail.

e) A development schedule indicating: (i) the approximate date when construction of the project can be expected to begin; (ii) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin; (iii) the anticipated rate of development; (iv) the approximate dates when the development of each of the stages in the development will be completed; and, (v) the area and location of common open space that will be provided at each stage.

f) Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its common open areas.

g) The following plans and diagrams, insofar as the Planning Commission finds that the planned development created special problems of traffic, parking, landscaping or economic feasibility:

i. An off-street parking and grading plan.

ii. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the planned development and to and from existing thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern must be shown.

iii. A generalized landscaping plan.

5) Water Supply. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the planned residential development, applicants shall present

evidence to the Borough Council that the planned residential development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to service the area in question, whichever is appropriate, shall be acceptable evidence.

6) The written statement to accompany the outline development plan must contain the following information:

a) An explanation of the character of the planned development and the manner in which it has been planned to take advantage of the planned development regulations.

b) A generalized statement of proposed financing for the entire planned unit area.

c) A statement of the present ownership of all of the land included within the planned development.

d) A general indication of the expected schedule of development.

e) Any expected development problems which might cause construction delays.

(b) Public Hearings.

1) Within sixty (60) days after the filing of any application for tentative approval of a planned residential development pursuant to this Chapter, a public hearing pursuant to public notice on said application shall be held by the Borough Council.

2) Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Borough Council. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

3) The parties to the hearing shall be the Borough of Homer City, any person affected by the application who has made timely appearance of record before the Borough Council and any other person, including civic or

community organizations permitted to appear by the Borough Council. The Borough Council shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Borough Council for that purpose.

4) The chairman, or acting chairman in the absence of the chairman, of the Borough Council shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

5) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

6) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

7) The Borough Council shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Borough Council. The cost of the original transcript shall be paid by the Borough Council if the transcript is ordered by the Borough Council or shall be paid by the person appealing from the decision of the Borough Council if such appeal is made; and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

8) The Borough Council shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved, except upon notice for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

9) The Borough Council may continue the hearing from time to time, and may refer the matter back to the Planning Commission for a report; provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

(c) The Findings.

1) The Borough Council, within sixty (60) days following the conclusion of the public hearing, shall, by official written communication to the landowner, either:

a) Grant tentative approval of the development plan as submitted.

b) Grant tentative approval subject to specified conditions not included in the development plan as submitted.

c) Deny tentative approval to the development plan.

2) Failure to so act with said sixty (60) day period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Borough Council notify such Borough Council of his refusal to accept all said conditions, in which case the Borough Council shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Borough Council of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

3) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including, but not limited to, findings of fact and conclusions on the following:

a) In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the Borough of Homer City.

b) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property including, but not limited to, density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.

c) The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.

d) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic and further the amenities of light and air, recreation and visual enjoyment.

e) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established.

f) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

4) In the event a development plan is granted tentative approval, with or without conditions, the Borough Council may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months and, in the case of development over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

(d) Status of Plan After Tentative Approval.

1) The official written communication shall be certified by the Borough Secretary and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the zoning map.

2) Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, to which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by the action of the Borough of Homer City pending an application or applications for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

3) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the Borough Council in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the Borough Secretary.

(e) Approval of Final Development Plan. Within three (3) months following the approval of the preliminary development plan, the applicant shall file with the Borough Council and Planning Commission a final development plan containing the final form, the information required in the preliminary plan and any corrections thereto.

(7) Record of Final Plan. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Borough Council and shall be filed of record forthwith in the office of the recorder of deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.

(8) Fees for Planned Unit Residential Development Applications. At the time of filing an application for preliminary development plan approval, the applicant shall make payment to the Borough a fee established by the Borough Council by resolution for filing and review costs and to cover advertising costs. This fee shall also cover costs of reclassifying the subject area, after approval of all final plans, to the R-P Planned Residential Development District which shall be recorded on the Official Zoning Map of the Borough, within ten (10) days after final approval.

(Ord. 445, 12/8/1997, §304)

